REMARKS

Solely for the purpose of expediting prosecution of this present application, Applicants amend Claim 1. Applicants amend Claim 1 to delete "boron nitride". New Claims 24-30 are added. Upon entry of the amendments, Claims 1, 2, 5-14, and 24-30 are pending.

Support for new Claims 24-27 are found, for example, in Claim 3 as originally filed.

Support for new Claims 28-30 are found, for example, in page 17, line 29 to page 18, line 2, and page 19, lines 13-14.

Applicants respectfully submit that the amendments add no new matter and are fully supported by the application as originally filed.

Rejections under 35 U.S.C. §103(a)

The Examiner has rejected Claims 1, 2, 5, 6, and 11-14 under 35 U.S.C. §103(a) as being rendered obvious by Colbert et al. (U.S. Patent No. 6,824,755) in view of Luzzi et al. (U.S. Patent No. 6,544,463) or Yakobson (U.S. Patent No. 6,280,677).

Applicants have amended independent Claim 1 to recite a nanotube having a controllably shaped contour and a varying cross-sectional dimension along the longitudinal axis, wherein the nanotube comprises a material selected from the group consisting of boron carbide, carbon nitride, boron carbon nitride and transition metal chalcogenides.

None of the cited references teach or suggest nanotubes comprising boron carbide, carbon nitride, boron carbon nitride or transition metal chalcogenides. Since the cited references, either combined or alone, do not teach or suggest every claim element of Claim 1, Applicants submit that the cited references do not render Claim 1 and Claims 2, 5, 6, and 11-14, which depend from Claim 1, obvious.

Accordingly, Applicants respectfully request the Examiner to withdraw this basis of rejection.

The Examiner has rejected Claims 1, 2, and 5-14 under 35 U.S.C. §103(a) as being rendered obvious by Morita et al. (U.S. Patent No. 6,221,489) in view of Luzzi et al. or Yakobson.

Applicants have amended independent Claim 1 to recite a nanotube having a controllably shaped contour and a varying cross-sectional dimension along the longitudinal axis, wherein the nanotube comprises a material selected from the group consisting of boron carbide, carbon nitride, boron carbon nitride and transition metal chalcogenides.

None of the cited references teach or suggest nanotubes comprising boron carbide, carbon nitride, boron carbon nitride or transition metal chalcogenides. Since the cited references, either combined or alone, do not teach or suggest every claim element of Claim 1, Applicants submit that the cited references do not render Claim 1 and Claims 2 and 5-14, which depend from Claim 1, obvious.

Accordingly, Applicants respectfully request the Examiner to withdraw this basis of rejection.

CONCLUSIONS

In view of the foregoing amendments and remarks, Applicants submit that the application is in condition for allowance. If, however, some issue remains which the Examiner feels may be addressed by Examiner's amendment, the Examiner is cordially invited to call the undersigned for authorization.

Please charge any additional fees, including fees for additional extensions of time, necessary to maintain pendency of this present application, or credit overpayment to Deposit Account No. 120690.

Respectfully submitted,
Regents of the University of California
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Date: October 20, 2008

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